

1 Rene L. Valladres
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 *C.B. Kirschner
5 Assistant Federal Public Defender
6 Pennsylvania Bar No. 92998
7 411 E. Bonneville Ave., Ste. 250
8 Las Vegas, Nevada 89101
9 (702) 388-6577
10 CB_Kirschner@fd.org
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12 *Attorney for Petitioner Luis Gonzalas

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Luis Gonzalas,
Petitioner,
v.
Brian Williams, et. al.,
Respondents.

Case No. 2:17-cv-01653-RFB-GWF
**Unopposed Motion for Extension
of Time to File Reply to
Respondents' Answer to First
Amended Petition**
(First Request)

Petitioner Luis Gonzalas, by and through counsel, C.B. Kirschner, Assistant Federal Public Defender, moves this Court for an extension of time of sixty (60) days from June 15, 2020, to and including August 14, 2020, to file the Reply to Respondents' Answer.

POINTS AND AUTHORITIES

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2 1. On or about February 11, 2008, Luis Gonzalas, was sentenced to life
3 with the possibility of parole, following his conviction for murder with use of a
4 deadly weapon. On May 25, 2017, he filed a Petition for Writ of Habeas Corpus
5 Pursuant to 28 U.S.C. § 2254 by a Person in State Custody (Not Sentenced to
6 Death). ECF No. 1-1.

7 2. This Court appointed the Office of the Federal Public Defender as
8 counsel for Mr. Gonzalas and granted leave for counsel to file an Amended Petition
9 for Writ of Habeas Corpus. ECF Nos. 7 & 11. Counsel filed the First Amended
10 Petition on January 15, 2019. ECF No. 18. Respondents filed their Answer to the
11 Petition on May 1, 2020. ECF No. 43.

12 3. The Reply to the Answer is currently due June 15, 2020. Mr. Gonzalas
13 now requests an additional sixty (60) days, up to and including August 14, 2020, to
14 file the Reply. This is the first request for an extension of time.

15 4. The additional period of time is necessary in order to effectively
16 represent Mr. Gonzalas. This motion is filed in the interests of justice and not for
17 the purposes of unnecessary delay.

18 5. Unfortunately, counsel's schedule necessitates additional time to
19 prepare the Reply. On May 11, 2020, counsel filed a Reply to Respondents' Answer
20 to Second Amended Petition for Writ of Habeas Corpus in *Silva v. Williams*, case
21 no. 2:17-cv-02149-APG-DJA. On May 26, 2020, counsel filed an Opposition to
22 Motion to Dismiss in *Wright v. Baker*, case no. 27CV-OTH-2020-0003. On June 1,
23 2020, counsel filed an Opening Brief with the Nevada Supreme Court in *Taukitoku*
24 *v. Filson*, case no. 80124. On June 8, 2020 counsel filed an Opening Brief with the
25 Ninth Circuit in *Alvarez v. Neven*, case no. 18-15516. On June 11, 2020, counsel
26 argued an appeal before the Ninth Circuit in *Zimmerman v. Baca*, case no. 18-
16886. And on June 16, 2020, counsel is filing a Reply Brief with the Ninth Circuit

1 in *Tiffany v. LeGrand*, case no. 19-15796. Counsel has over a dozen other pending
2 filing deadlines in the next two months.

3 6. Additionally, the Federal Public Defender's Office has been functioning
4 from a remote, telework system in light of the COVID-19 pandemic. Overall the
5 transition has been smooth, but there have been ongoing network interruptions and
6 unavoidable delays. The Ninth Circuit has recognized the current pandemic "has
7 disrupted services of all kinds" and is a valid basis for extending deadlines.¹ The
8 pandemic has also created unexpected and urgent work as we attempt to secure the
9 release of some of our most vulnerable clients. Additional time is necessary in light
10 of these extraordinary circumstances.

11 7. On June 11, 2020, Senior Deputy Attorney General Jessica Perlick was
12 contacted via email and stated that she did not object to the extension, but the lack
13 of objection should not be construed as a waiver of any procedural defenses.

14 8. For the above stated reasons, Petitioner respectfully requests this
15 Court grant the request for an extension of time of sixty (60) days and order the
16 Amended Petition to be filed on or before August 14, 2020.

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18 Dated this 15th day of June, 2020.

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20 IT IS SO ORDERED:

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ CB Kirschner
C.B. Kirschner
Assistant Federal Public Defender

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24 RICHARD F. BOULWARE, II
25 UNITED STATES DISTRICT JUDGE

26 DATED this 16th day of June, 2020.

¹ <http://cdn.ca9.uscourts.gov/datastore/general/2020/03/16/COVID-19%20Notice.pdf>

IT IS SO ORDERED:

UNITED STATES DISTRICT JUDGE

DATED: _____

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